IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 24575 of 2007(A)

PETITIONER:

T.V.ANNAMMA @ ANNAMMA VARGHESE,
THENGANAMKULATH, KATTUKARA MURI,
THIRUVALLA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:

---

1. THE THIRUVALLA MUNICIPALITY REPRESENTED
BY THE SECRETARY, MUNICIPAL OFFICE,THIRUVALLA.

2. THE TALUK TAHSILDAR, THIRUVALLA.

R1 BY SC SRI. S. SUBHASH CHAND.
R2 BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No. 24575 of 2007

- -

Dated this the 22nd day of August, 2007

JUDGMENT

Petitioner approached this court seeking a direction to the second respondent to take back the application of the petitioner to grant a certificate showing the petitioner, her two brothers and two sisters are the owners of Room No. 173/32 and a direction to grant license to the petitioner without insisting on the ownership certificate.

2. Briefly put the case of the petitioner is as follows:

The petitioner along with two sisters and two brothers are the legal heirs of one late Smt. Sosamma Varghese, who was the owner of a building bearing No.173/32. The petitioner applied for license to conduct a shop. She submitted consent letter from other co-owners. Subsequently the Municipality called the petitioner to produce ownership certificate. But the Taluk Tahsildar rejected the application for ownership certificate.

3. I heard learned counsel for the petitioner, learned counsel for the Municipality and learned Government Pleader. Learned counsel

for the Municipality would submit that the Municipality is prepared to grant the license sought for by the petitioner upon the petitioner executing an indemnity bond undertaking to produce the heirship certificate from the Tahsildar.

The writ petition is disposed of as follows:

The first respondent will issue the license sought for by the petitioner in accordance with law upon the petitioner executing an indemnity bond wherein she will undertake to produce the heirship certificate showing the legal heirs of her deceased mother Smt. Sosamma Varghese issued by the Tahsildar within a period of two months from the date of executing the bond. Learned counsel for the petitioner submits that the petitioner will file an application seeking heriship certificate before the second respondent and orders may be directed to be passed without any delay. If an application is received from the petitioner seeking heirship certificate from the second respondent, he will consider and take a decision thereon without any delay in accordance with law. In the event of the petitioner not

complying with the undertaking to produce the heirship certificate as will be stated in the indemnity bond, it will be open to the first respondent to cancel the license.

(K.M. JOSEPH, JUDGE)

sb